

14-12 STORMWATER AND URBAN RUNOFF POLLUTION CONTROL Prior ordinance history: Ord. #1415.* :

14-12.1 Title:

This Section is known and may be cited as the *CITY OF LYNWOOD STORMWATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE*.
(Ord. #1443, §1)

14-12.2 Findings:

- a. The Federal Clean Water Act (33 USC §1251 et seq.) provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending requirements of the National Pollutant Discharge Elimination System (NPDES) to the discharge of stormwater and urban runoff into municipal storm drain systems.
- b. Stormwater and urban runoff flows from individual properties onto streets, and then into storm drains passing through the City.
- c. The City of Lynwood is a co-permittee under the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles", issued by the California Regional Water Quality Control Board, Los Angeles Region, (Order No. 96-054), dated July 15, 1996. This also serves as an NPDES permit under the Federal Clean Water Act (NPDES No. CAS614001), as well as waste discharge requirements under California law (the "Municipal NPDES Permit"). As a co-permittee under the Municipal NPDES Permit, the City is required to adopt ordinances and implement procedures with respect to the entry of nonstormwater discharges into the Municipal Stormwater System.
- d. Part 1, section I of the Municipal NPDES Permit requires the City to effectively prohibit nonstormwater discharges from within its boundaries into that portion of the Municipal Stormwater System (MS4) that it owns or operates and into watercourses, except where those discharges are: 1) in compliance with a separate individual or general NPDES permit; or 2) identified and in compliance with part 2.II.C (nonstormwater discharges) of the Municipal NPDES Permit; or 3) originating from Federal, State, or other facilities that the City is preempted from regulating. Part 1, section I further provides that compliance with the terms of that NPDES permit through the development and implementation of the programs described in the Municipal NPDES Permit will constitute compliance with the discharge prohibition therein.
- e. Part 2, section I.E of the Municipal NPDES Permit requires the City to demonstrate by November 28, 1996, that it has the necessary legal authority

to control discharges to and from those portions of the MS4 over which it has jurisdiction, so as to comply with the Municipal NPDES Permit by prohibiting certain discharges identified in that permit.

- f. The Municipal NPDES Permit contemplates the development of a countywide stormwater management plan (CSWMP) and a watershed management area plan (WMAP), in which the City will participate. Such participation will require the development and implementation of programs for, among other things, the elimination of illicit connections and illicit discharges, development planning, development construction, and public information and education programs, and may require the later adoption of additional legal authority to implement these programs as they are developed by the permittees and approved by the Regional Board.
- g. In order to control, in a cost-effective manner, the quantity and quality of stormwater and urban runoff to the maximum extent practicable, the adoption of reasonable regulations, as set forth herein, is essential. (Ord. 1443, §1)

14-12.3 Purpose And Intent:

- a. The purpose of this Section is to ensure the future health, safety, and general welfare of the residents of the City and to protect the quality of the receiving waters of the County of Los Angeles and surrounding coastal areas by:
 - 1. Reducing pollutants in stormwater discharges to the maximum extent practicable.
 - 2. Regulating illicit connections and illicit discharges, thereby reducing the level of contamination of stormwater and urban runoff into the Municipal Stormwater System.
 - 3. Regulating nonstormwater discharges to the Municipal Stormwater System.
- b. The intent of this Section is to protect and enhance the quality of watercourses, water bodies, and wetlands within the City in a manner consistent with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the Municipal NPDES Permit.
- c. This Section is also intended to provide the legal authority necessary for the City to control discharges to and from those portions of the Municipal Stormwater System over which it has jurisdiction as required by the Municipal NPDES Permit, and thereby comply with the terms of the Municipal NPDES Permit while the CSWMP and the WMAP are being developed by the permittees under the Municipal NPDES Permit, and thereafter to implement the CSWMP and WMAP, or other programs, developed under the Municipal NPDES Permit. (Ord. #1443, §1)

14-12.4 Defined Terms And Phrases:

Various terms and phrases used in this Section are defined in Subsection [14-12.12](#) below. (Ord. #1443, §1)

14-12.5 Construction And Application:

This Section will be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, the applicable implementing regulations, and the Municipal NPDES Permit, including any amendment, revision or reissuance of that permit. (Ord. #1443, §1)

14-12.6 Prohibited Activities:

- a. *Illicit Discharges And Connections*: It is prohibited to commence, establish, use, maintain, or continue any illicit connections to the Municipal Stormwater System or any illicit discharges to the Municipal Stormwater System. This prohibition against illicit connections applies to the use, maintenance or continuation of any illicit connection, whether that connection was established prior to or after the effective date of this Ordinance Ordinance 1443, from which this Section derives, was adopted November 19, 1996.*
- b. *Littering*: It is prohibited to throw, deposit, place, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any private plot of land in the City, so that the same might be or become a pollutant. No person may throw or deposit litter in any fountain, pond, lake, stream, or other body of water within the City. This subsection does not apply to refuse, rubbish or garbage deposited in containers, bags, or other appropriate receptacles that are placed in designated locations for regular solid waste pickup and disposal.
- c. *Disposal Of Landscape Debris*: It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the Municipal Stormwater System.
- d. *Nonstormwater Discharges*: The following nonstormwater discharges into the Municipal Stormwater System (MS4) are prohibited unless in compliance with a separate NPDES permit or pursuant to a discharge exemption issued by the Regional Board, the Regional Board's Executive Officer, or the State Water Resources Control Board:

1. The discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or other types of automotive service facilities are cleaned.
2. The discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations.
3. To the maximum extent practicable, discharges to the MS4 from areas where repair of machinery and equipment is undertaken, including motor vehicles, that are visibly leaking oil, fluid or antifreeze.
4. Discharges of untreated runoff to the MS4 from storage areas for materials containing grease, oil, or other hazardous substances, and from uncovered receptacles containing hazardous materials.
5. Discharges to the MS4 of commercial and Municipal swimming pool filter backwash.
6. Discharges to the MS4 of untreated runoff from the washing of toxic materials from paved or unpaved areas; provided, however, that nonindustrial and noncommercial activities that incidentally generate urban runoff, such as the hosing of sidewalks and the noncommercial hand-washing of cars, are excluded from this prohibition.
7. To the maximum extent practicable, discharges to the MS4 from washing impervious surfaces in industrial and commercial areas that result in a discharge of untreated runoff to the MS4, unless specifically required by health and safety codes of the State, the City, or Los Angeles County, or permitted under a separate NPDES permit.
8. Discharges to the MS4 from the washing out of concrete trucks.
9. Discharges to the MS4 of any pesticide, fungicide, or herbicide that is banned by the USEPA or the California Department of Pesticide Regulation.
10. The disposal of hazardous wastes into trash containers used for Municipal solid waste collection where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

e. *Discharges In Violation Of The Municipal NPDES Permit:* Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge is the responsibility of the person causing or responsible for the discharge, and such person must defend, indemnify, and hold harmless the City from all losses, liabilities, claims, or causes of actions

in any administrative or judicial action relating to that discharge. (Ord. #1443, §1)

14-12.7 Exempted Discharges, Conditionally Exempted Discharges, Or Designated Discharges:

Discharges from those activities specifically identified in, or pursuant to, part 2, section II.C of the Municipal NPDES Permit that are exempted discharges, conditionally exempted discharges, or designated discharges are not in violation of this Section, provided that any applicable BMPs developed pursuant to the Municipal NPDES Permit are implemented to minimize adverse impacts from these identified sources. (Ord. #1443, §1)

14-12.8 Good Housekeeping Provisions:

Owners and occupants of property within the City must comply with the following requirements:

- a. *Septic Waste*: No person may leave, deposit, discharge, dump, or otherwise expose to precipitation any chemical or septic waste in an area where a discharge to City streets or to the MS4 may or does occur.
- b. *Use Of Water*: Runoff of water used for irrigation purposes must be minimized to the maximum extent practicable. Runoff of water from the permitted washing down of paved areas must be minimized to the maximum extent practicable.
- c. *Storage Of Materials, Machinery, And Equipment*: Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to stormwater, must be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.
- d. *Removal And Disposal Of Debris From Industrial And Commercial Motor Vehicle Parking Lots*: Industrial and commercial motor vehicle parking lots having more than twenty five (25) parking spaces that are located in areas potentially exposed to stormwater must be swept regularly, or other equally effective measures must be used to remove debris from those parking lots.
- e. *Food Wastes*: Food wastes generated by nonresidential food service and food distribution sources must be properly disposed of in a manner so that such wastes are not discharged to the Municipal Stormwater System.
- f. *Best Management Practices*: Best management practices must be used in areas that are exposed to stormwater for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage,

batteries, or other materials that may have potential adverse impacts on water quality. (Ord. #1443, §1)

14-12.9 Requirements For Industrial And Commercial Discharges And Construction Activities:

Every industrial and commercial discharger, every discharger associated with construction activity, and any discharger described in any general stormwater permit addressing discharges that is issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board must comply with all requirements of that permit. Each discharger identified in an individual NPDES Permit must comply with and undertake all activities required by that permit. Proof of compliance with any such permit may be required in a form acceptable to the Director of Public Works prior to the issuance of any grading, building, or occupancy permit, or any other type of permit or license issued by the City. (Ord. #1443, §1)

14-12.10 Enforcement:

a. Violations Deemed A Public Nuisance:

1. Any condition that is caused or permitted to exist in violation of any of the provisions of this Section is hereby determined to be a threat to the public health, safety, and welfare, is deemed to be a public nuisance, and may be abated by any authorized enforcement officer. In addition, a civil or criminal action to abate, enjoin, or otherwise compel the cessation of that nuisance may be initiated by the City Attorney.

2. The cost of abatement will be borne by the owner of the property. The cost of abatement will be invoiced to the owner of the property in the manner provided by law or ordinance for the recovery of nuisance abatement costs.

3. If any violation of this Section constitutes a seasonal and recurrent nuisance, the Director of Public Works will give written notice of that nuisance. The failure of any person to take appropriate action to prevent stormwater pollution after written notice of a determination under this Subsection constitutes a public nuisance and a violation of this Section.

b. Concealment: Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Section constitutes a violation of that provision.

c. Civil Actions: In addition to all other remedies provided in this Subsection, any violation of this Section may be enforced by civil action brought by the City. In any such action, the City may seek, as appropriate, any or all of the following remedies:

1. A temporary or permanent injunction, or both.
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey that led to the determination of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.
3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation.
4. Compensatory damages for the loss of or destruction to water quality, wildlife, and fish and aquatic life.

d. *Administrative Enforcement Powers:* In addition to the other enforcement powers and remedies established by this Section, an authorized enforcement officer has the authority to use the following administrative remedies:

1. *Cease And Desist Orders:* When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this Section, the officer may issue an order to cease and desist such discharge, or any practice or operation that is likely to cause such discharge, and direct that the responsible persons: a) comply with the requirement; b) comply with a time schedule for compliance; and c) take appropriate action to prevent the violation from recurring.

2. *Notice To Clean:* Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste, or any other material of any kind, upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, that may result in pollutants entering the Municipal Stormwater System or a nonstormwater discharge to the Municipal Stormwater System, the enforcement officer may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material. The recipient of that notice must undertake the removal activities described in the notice.

e. *Penalties:* Violation of this Section constitutes a misdemeanor and is punishable as provided in Section [1-5](#) of this Code.

f. *Permit Revocation:* If the City makes a provision of this Section or any identified BMP a condition of approval for the issuance of a permit or license, any person in violation of that condition is subject to the permit revocation procedures set forth in this Code.

g. *Remedies:* Remedies under this Section are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for in this Section are cumulative and not exclusive. (Ord. #1443, §1)

14-12.11 No Taking:

The provisions of this Section may not be construed or operate to deprive any property owner of substantially all of the market value of that owner's property or otherwise constitute an unconstitutional taking without compensation. (Ord. #1443, §1)

14-12.12 Definitions:

a. Except as specifically provided below in subsection [14-12.12b](#), terms and phrases used in this Section have the same meanings as defined in the Municipal NPDES Permit, or, if not specifically defined in the Municipal NPDES Permit, then as defined in the Federal Clean Water Act, as amended, or the regulations promulgated thereunder.

b. The following terms and phrases have the following meanings when used in this Section:

1. *Area susceptible to runoff* means any surface directly exposed to precipitation, or in the path of runoff caused by precipitation, which path leads off the parcel on which the surface is located.

2. *Authorized enforcement officer* means the Director of Public Works and those individuals designated by the Director of Public Works as enforcement officers.

3. *Best management practices (BMPs)* means activities, practices, facilities, and procedures that, when implemented to their maximum efficiency, will prevent or reduce pollutants in discharges. BMPs may include public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge or waste-handling and disposal.

4. *City* means the City of Lynwood.

5. *Good housekeeping practices* means common practices related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.

6. *Illicit connection* means any manmade conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

7. *Illicit discharge* means any discharge to the storm drain system that is prohibited under local, State, or Federal statutes, ordinances, codes or regulations. This includes all nonstormwater discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or conditionally exempted in accordance with section II of the Municipal NPDES Permit.

8. *Material* means any substance including, but not limited to: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.

9. *Municipal NPDES Permit* means the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles" (Order No. 96-054), dated July 15, 1996, issued by the California Regional Water Quality Control Board, Los Angeles Region, and any successor permit to that permit.

10. *Municipal Stormwater System* or *MS4* means streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by the City and used for the purpose of collecting, storing, transporting, or disposing of stormwater.

11. *Nonstormwater discharge* means any discharge to a Municipal Stormwater System that is not composed entirely of stormwater.

12. *NPDES permit* means any waste discharge requirements issued by the Regional Board or by the State Water Resources Control Board as an NPDES permit pursuant to Water Code section 13370 (other than the Municipal NPDES Permit).

13. *Pollutant* means those "pollutants" defined in section 502(6) of the Federal Clean Water Act (33 USC §1362(6)), or incorporated into California Water Code section 13373. Examples of pollutants include, but are not limited to, the following:

(a) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).

(b) Metals such as cadmium, lead, zinc, copper, silver, nickel, and chromium; and nonmetals such as phosphorus and arsenic.

(c) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease).

(d) Excessive eroded soils, sediment and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora or fauna of the State.

(e) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).

(f) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

The term "pollutant" does not include uncontaminated stormwater, potable water or reclaimed water generated by a lawfully permitted water treatment facility. Nor does the term "pollutant" include any substance identified in this definition if, through compliance with available best management practices, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden is on the person who is the subject of that action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the available best management practices.

14. *Regional board* means the California regional water quality control board, Los Angeles region.

15. *Storm water runoff* means that part of precipitation (rainfall or snowmelt) that travels via flow across a surface to the MS4 or receiving waters from impervious, semipervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

16. *Urban runoff* means surface water flow produced by nonstorm water resulting from residential, commercial, and industrial activities involving the use of potable and nonpotable water. (Ord. #1443, §1)

14-13 STANDARD URBAN STORM WATER MITIGATION PLAN FOR STORM WATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES:

14-13.1 Purpose And Scope:

- a. *Purpose:* The provisions of this section set forth standards and requirements for construction activities and facility operations of development and redevelopment projects to comply with the requirements of the standard urban storm water mitigation plan as defined by the "Development Best

Management Practices Handbook" adopted by the Los Angeles County department of public works.

- b. *Scope*: This section provides for the requirements of storm water pollution control measures in accordance with the "Development Best Management Practices Handbook" adopted by the Los Angeles County department of public works. This section applies to development and redevelopment projects and authorizes the public works director/city engineer to define and adopt storm water pollution control measures, grant waivers from the requirements of the standard urban storm water mitigation plan, collect funds from projects that are granted waivers, conduct inspections, cite infractions, and impose fines. Except as otherwise provided herein, the public works director/city engineer or his authorized representative shall administer, implement and enforce the provisions of this section.
- c. *Projects*: The following projects shall require a standard urban storm water mitigation plan and best management practices which must be incorporated into design plans for the following developments and/or redevelopment:
 - 1. Ten (10) units or more home subdivision.
 - 2. One hundred thousand (100,000) square feet or more commercial development.
 - 3. Redevelopment project creating five thousand (5,000) square feet or more of impervious surfaces.
 - 4. Automotive repair shop.
 - 5. Restaurant.
 - 6. Hillside located single-family dwelling.
 - 7. Parking lots five thousand (5,000) square feet or more with twenty five (25) or more parking spaces and potentially exposed to storm water runoff.
- d. *Requirements*: The following development and/or redevelopment projects having the following characteristics or activities will be required to address the applicable sections of the above mentioned standard urban storm water mitigation plan when completing the project design:
 - 1. Automotive or equipment repair and/or maintenance.
 - 2. Automotive or equipment washing or cleaning area(s).
 - 3. Outdoor material or waste handling or storage.

4. Chemical handling and/or storage of petroleum products, paints, solvents, concrete, or hazardous waste.
5. Outdoor equipment or product fabrication including welding, cutting, sawing, metal fabrication, assembly, application of paints, coatings, or finishes, precast concrete fabrication, etc.
6. Outdoor areas for equipment or machinery repair and/or maintenance.
7. Dry cleaning factory.
8. Food service.
9. Food processing plant.
10. Animal slaughtering.
11. Animal confinement, pet care facilities, stables, kennels, etc.
12. Ten (10) dwelling units or more.
13. Hillside location. (Ord. #1500, §1)

14-13.2 Authority:

- a. *Define And Adopt:* The public works director/city engineer shall have the authority to define and adopt a standard urban storm water mitigation plan and development best management practices necessary to control storm water pollution from construction activities and facility operations to the maximum extent practicable pursuant to the Los Angeles County department of public works "Development Best Management Practices Handbook". The Los Angeles County department of public works may from time to time, change, modify, revise or alter storm water pollution control best management practices.
- b. *Requirements:* The public works director/city engineer shall have the authority to withhold grading and/or building permits for developments until:
 1. The applicant incorporates into the development; best management practices necessary to control storm water pollution in accordance with the "Development Best Management Practices Handbook" adopted by the Los Angeles County department of public works.
 2. The city of Lynwood receives a covenant and agreement, signed by the owner(s) of the property and recorded by the Los Angeles County recorder, declaring that the best management practices necessary to control storm

water pollution shall be installed and/or constructed and maintained in proper working conditions at all times.

3. The city of Lynwood receives from a certified and registered engineer or architect, plans that depict specific best management practices incorporated into a project that identify storm water pollution prevention measures, during and after construction.

- c. *Granting Of Waivers:* The public works director/city engineer shall have the authority to grant a waiver to a development or redevelopment project from the requirements of the standard urban storm water mitigation plan as defined in the "Development Best Management Practices Handbook" adopted by the Los Angeles County department of public works.
- d. *Funds Collected From Waiver:* The public works director/city engineer may collect from the applicant of a project that has been granted a waiver the cost in savings from such waiver. Such collected funds shall be deposited in a storm water pollution abatement fund as established by the city. Such monies collected from waivers shall only be expended to promote city solutions for storm water pollution prevention. (Ord. #1500, §1)

14-13.3 Supplemental Provisions:

Provisions of this section shall be complementary to, not replaced by, any requirements for storm water mitigation existing under the California environmental quality act. (Ord. #1500, §1)

14-13.4 Authority To Inspect And Enforce Storm Water Pollution Control Measures:

- a. Notwithstanding the provisions of the grading or building permit, noncompliance with any provisions of this section, or the required covenant and agreement pursuant to subsection [14-13.2b2](#) of this section shall be considered an infraction. Each day of noncompliance may be considered a separate violation. Such infraction penalties are set forth by city council resolution, as amended from time to time.
- b. Whenever it is necessary to make an inspection to enforce or verify compliance with any storm water control provisions, as imposed by this section, the public works director/city engineer and/or his authorized representatives are hereby authorized to enter such property at any reasonable time to inspect for compliance with best management practices and perform any duty imposed by this section or other applicable law. (Ord. #1500, §1)